

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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333 EAST 60TH STREET, INC., d/b/a
Scores East,

Plaintiff,

08 Civ. 4147 (RJS)

-against-

NEW YORK STATE LIQUOR AUTHORITY,
DANIEL B. BOYLE, individually,
LAWRENCE J. GEDDA, individually,
NOREEN HEALEY, individually, and the
CITY OF NEW YORK,

**AFFIRMATION OF
JONATHAN LOVETT
IN OPPOSITION TO
CITY'S MOTION TO
DISMISS**

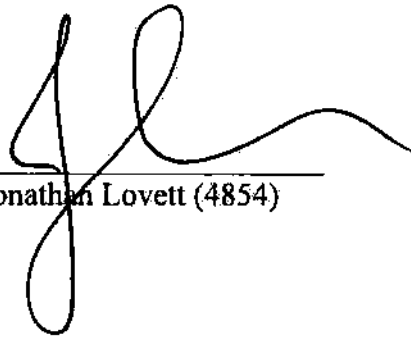
Defendants.
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JONATHAN LOVETT, an attorney duly admitted to practice before this Court and the Courts of the State of New York, hereby affirms under penalty of perjury that the following statement is true:

1. Regarding the Defendants' arguments that their conduct with respect to Scores West has had no effect upon the business operation of Scores East, annexed is a June 25, 2008, letter received by Plaintiff from The Berkshire Bank advising that due to the "operational difficulties which resulted from the suspension [*sic.*] of the liquor license of an affiliated company [Scores West]" the bank was cancelling Scores East's Overdraft Protection Line of Credit and effective immediately would no longer make any further loans thereunder.

WHEREFORE the cross-motions should be denied, a temporary restraining order

should be granted, and a hearing should be scheduled on Plaintiff's application for a preliminary injunction.



Jonathan Lovett (4854)



THE BERKSHIRE BANK

The bank that puts your interest first

4 East 39th Street
New York, NY 10016

Telephone: (212) 802-1030

Fax: (212) 481-0817

June 25, 2008

Richard Goldring
President
333 East 60th Street, Inc.
328 8th Avenue
Suite 202
New York, New York 10001

Re: 333 East 60th Street, Inc.
Overdraft Protection Line of Credit

Dear Mr. Goldring:

Reference is made to the Overdraft Protection Line of Credit Agreement dated September 11, 2007.

We write to inform you that in accordance with the provisions of the Agreement, we have elected to cancel the Agreement and to make no further loans thereunder, effective immediately.

While we may, under the terms of the Agreement, cancel it any time, our decision is made for the reason that the revenue stream on which we relied in extending the accommodation has been significantly diminished by the operating difficulties which resulted from the suspension of the liquor license of an affiliated company.

Cordially yours,

Peter H. Kim
Vice President